

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

In re:

JOANNE E. CHAPMAN,  
f/k/a Joanne Warner,  
Debtor.

BKY 13-60505

ORDER REGARDING MOTION  
OF PLAZA PARK BANK FOR RELIEF  
FROM STAY AS TO DEBTOR AND  
CODEBTOR

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At Minneapolis, Minnesota, November 14, 2013.

This matter came before the Court on the motion of Plaza Park Bank (Movant) seeking relief from the automatic stay of 11 U.S.C. §§ 362(a) and 1301. The Chapter 13 trustee did not oppose the motion. Based upon the files and records herein, the Court now finds that cause exists entitling Movant to the requested relief as to the interest of the estate, but that the motion is moot as to Debtor, the automatic stay having terminated upon entry of an order denying Debtor's discharge on October 29, 2013. *See* 11 U.S.C. § 362(c)(2)(C).

IT IS ORDERED that the automatic stay of 11 U.S.C. §§ 362(a) and 1301 is immediately terminated as to the estate's interest in the property as to Movant; and, Movant is hereby authorized to enforce its remedies pursuant to nonbankruptcy law that certain Mortgage dated August 31, 2004 (which secured "Note 1"), filed for record in the office of the County Recorder, in and for Benton County, Minnesota, on September 8, 2004, and recorded as Document No. 318378, which was modified by an Extension of Mortgage & Promissory Note, dated August 31, 2009, and recorded in the office of the Benton County Recorder on September 10, 2009, as Document No. A368721 ("Mortgage 1") and covering real property located in Benton County, Minnesota, which is legally described as follows:

PARCEL 1:

The North 500 feet of that part of Government Lot One (1), Section Four (4) lying Easterly of Mississippi View Addition and the North 500 feet of that part of the Northwest Quarter of the Northwest Quarter (NW ¼ NW ¼) of Section Three (3) lying Westerly of the right of way of the Northern Pacific Railway Company, all in Township Thirty-six (36) North, Range Thirty-one (31) West, Fourth Principal Meridian, Benton County, Minnesota.

PARCEL 2:

The South 267.00 feet of Government Lot One (1), Section Thirty-three (33), Township Thirty-seven (37), Range Thirty-one (31), Benton County, Minnesota, which lies Easterly of the following described line and its Northerly and Southerly extensions: Commencing at the Southeast corner of said Government Lot One (1); thence South 89 degrees 44 minutes 13 seconds West, assumed

bearing on the South line of said Government Lot One (1), a distance of 278.12 feet to the point of beginning of the line to be described; thence North 00 degrees 15 minutes 47 seconds West 267.00 feet and said described line there terminating.

ALSO:

The South 300 feet of the Southwest Quarter of the Southwest Quarter (SW  $\frac{1}{4}$  SW  $\frac{1}{4}$ ), Section Thirty four (34), Township Thirty-seven (37), Range Thirty-one (31), Benton County, Minnesota, which lies Westerly of the Northwesterly right of way line of the Burlington Northern Railroad, excepting therefrom the North 33.00 feet of the South 300.00 feet of the West 264.00 feet of said Southwest Quarter of the Southwest Quarter (SW  $\frac{1}{4}$  SW  $\frac{1}{4}$ ).

and more commonly known as 1470 56th St. NW, Sauk Rapids, Minnesota 56379.

The repayment of "Note 2" is secured by "Mortgage 2" dated April 3, 2008, and recorded with the Office of the County Recorder for Benton County, Minnesota, on April 16, 2008, Document No. A356579. Mortgage 2 encumbers the real property owned by Codebtor. A Warranty Deed, dated August 21, 2004, and recorded with the Office of the County Recorder for Benton County, Minnesota, on September 8, 2004 as Document No. 318377 and evidences the transfer of the property to Codebtor Jason A. Chapman.

Notwithstanding Fed. R. Bankr. P. 4001(a)(3), this order is effective immediately.

*/e/ Michael E. Ridgway*

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Michael E. Ridgway  
United States Bankruptcy Judge

NOTICE OF ELECTRONIC ENTRY AND FILING ORDER OR JUDGMENT Filed and Docket Entry made on <b>11/14/2013</b> Lori Vosejpk, Clerk, by KK
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